

Appl. No. 10/784,041
Amdt. Dated 09/21/2006
Reply to Office Action of June 22, 2006

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REMARKS/ARGUMENTS

In response to the outstanding office action, claims 2, 8 and 13 have been reworded in response to the examiner's objection, though the limitation of these claims remains the same.

Also, independent claims 1, 6 and 12 have been amended to be more precise with respect to the pinching capability of the structure claimed. In particular, the independent claims have been amended to make clear that the pinching of the adhesive coated sheet material is between the sharp edge on one body member and an adjacent side of the other body member. In that regard, in the examiner's rejection of original claim 5 (and corresponding claims depending on other independent claims), the examiner stated "As for claim 5, in DE '878, both sides of the second body member are flat, whereby adhesive coated sheet material may be pinched between one of the sharp edges and an adjacent flat surface (see Fig. 3). All claim 5 requires is the ability to be "pinched" therebetween."

However it is respectfully submitted that DE '878 does not show the ability to be pinched between a sharp edge on one body member and an adjacent side of the other body member. The sharp edge 22 is on the separate member 20, which may be caused to rotate as shown in Fig. 4 to pinch against the roll itself. While the examiner notes that all the claim requires is the ability to be "pinched" therebetween, it is submitted that nothing in DE '878 suggests that ability, as the device shown is not shown in the closed condition. The Figures in DE '878 suggest that the member 12 has the same width as member 10 (Fig. 2) so that when closed, the edges of member 20 will stick out of the shape formed by the two body members, and the sharp edge 22 on the inward side of member 20 will be well inside the edges of body member 10. Otherwise why do the projections with the sharp edges terminate short of the ends of member 20 (Fig. 2)? They terminate to allow the end edges of member 12 to lie on the end edges of member 10 all the way out to the full width of member 10, with the side edges of member 20, not the sharp edges, being trapped between the two body members. It is submitted that it is hindsight reconstruction to find otherwise.

Further, the independent claims require, among other things, "first and second body members, each having first and second ends, the first and second body members being hinged together at their first ends to fold together about the hinge to abut along first and second sides of the body members to define an enclosure having an outer surface defined by the outer surfaces of the first and second body members", and that "at least one side of one of the body members defining a sharp edge". Clearly member 20 (Fig. 2 of DE '878) fails to teach such a structure, as member 20 is not a body member as claimed. Thus DE '878 fails to disclose any structure having the ability to pinch as described, and further fails to meet the specific structural limitations required for pinching in the claims.

It is noted that while Heneveld also uses a two piece body structure, the two pieces are not of equal width and do not have a sharp edge, so do not have the capability of pinching the adhesive coated sheet material therebetween. Therefore this patent generally shows the simplicity of the present invention, but with no structure to facilitate the tearing off of a used strip of the adhesive coated sheet material. McKay does not show any body structure, so is not

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relevant to this aspect of the invention. DE '878 does provide structure that facilitates tearing off a used strip of adhesive coated sheet material, but is capable of doing so using four major parts, plus the roll, rather than with two major parts, plus the roll, as in the present invention, and does so in a different manner than in the present invention using structure not capable of pinching the used adhesive coated sheet material between two body members, at least one having a sharp edge thereon.

Finally while some other aspects of the invention claimed are found in the prior art, they are not found as part of novel and nonobvious combinations claimed. Also it is noted that the prior art relied on by the examiner is relatively old, yet heretofore nobody has achieved a structure as simple as the present invention that facilitates the tearing off of used adhesive coated material. Accordingly reconsideration of the rejection of the claims, particularly in light of the amendments made herein is respectfully requested.

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CONCLUSION

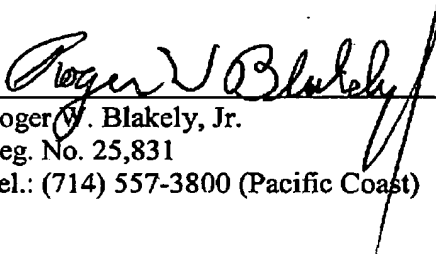
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 09/21/2006

By


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Jessica A. Clark

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